

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Shuichi Takagi et al.  
Serial No.: 10/699,102  
Filed: October 31, 2003  
Confirm. No.: 2678  
Title: Method And Apparatus For Synchronously Transferring Data From A Local Storage Medium To A Remote Storage Medium At A Select Time Based Upon Available Bandwidth And Amount Of Local Data (As Previously Amended)  
  
Art Unit: 2167  
Examiner: Miranda Le  
Docket No.: 50T5441.01  
  
VIA EFS WEB  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

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I hereby certify that this correspondence and any document referenced herein are being electronically filed with the USPTO via EFS-Web on 04/28/2010.

Marjorie Scariati  
(Printed Name of Person Sending Correspondence)

/Marjorie Scariati/  
(Signature)

**PETITION UNDER 1.136(a) AND  
AMENDMENT AND RESPONSE TO OFFICE ACTION**

Sir:

This is in response to the non final Office Action December 28, 2009. A response is due by April 28, 2010 with payment of a one-month extension fee; thus, this Response is timely filed.

Kindly consider the following remarks.

**Amendments to the Claims** begin on Page 2.

**Arguments/Remarks** begin on Page 8.